

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA
PHILADELPHIA DIVISION**

In Re: TONICA M LOWE-MILLER Debtor(s) CENLAR, FSB AS SERVICER FOR CITIMORTGAGE, INC. Movant v. TONICA M LOWE-MILLER Debtor(s) NELSON MILLER Co-Debtor KENNETH E. WEST Trustee Respondent(s)	Chapter 13 Case Number: 20-14720-amc
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**MOTION FOR RELIEF FROM AUTOMATIC STAY AND CO-DEBTOR STAY WITH
RESPECT TO PROPERTY: 269 MAPLE AVENUE, MORTON, PA 19070**

Cenlar, FSB as servicer for CitiMortgage, Inc., through its Counsel, Stern & Eisenberg PC, respectfully requests the Court grant its Motion for Relief and §1301 and in support thereof respectfully represents as follows:

1. Movant is Cenlar, FSB as servicer for CitiMortgage, Inc. (hereafter referred to as "Movant").
2. Debtor(s), Tonica M Lowe-Miller (hereinafter, "Debtor(s)"), is/are, upon information and belief, adult individual(s) whose last-known address is 269 Maple Avenue, Morton, PA 19070.
3. On August 26, 2010, Tonica M. Lowe-Miller, executed and delivered a Note in the principal sum of \$191,201.00 to INFINITY HOME MORTGAGE CO.,INC. A NEW JERSEY CORPORATION. A copy of the Note is attached as Exhibit "A" and is hereby incorporated by reference.
4. As security for the repayment of the Note, Tonica M. Lowe-Miller and Nelson Miller, executed and delivered a Mortgage to Mortgage Electronic Registration Systems Inc., as Nominee for INFINITY HOME MORTGAGE CO.,INC. A NEW JERSEY CORPORATION. The Mortgage was duly recorded in the Office of the Recorder of Deeds in and for Delaware County on August 31, 2010 in Book 04795, Page 1451. A copy of the Mortgage is attached as Exhibit "B" and is hereby incorporated by reference.
5. The Mortgage encumbers Debtor's real property located at 269 Maple Avenue, Morton, PA 19070.
6. By assignment of mortgage, the loan was ultimately assigned to CitiMortgage, Inc.. A true and correct copy of the assignment is attached as Exhibit "C" and is hereby incorporated by reference.

7. Debtor(s) filed the instant Chapter 13 Bankruptcy on December 11, 2020, and, as a result, any state court proceedings were stayed.
8. It is believed and therefore averred that Debtor(s) filed the instant bankruptcy as an additional delay in order to prevent Movant from proceeding with the state court proceedings or otherwise institute proceedings as allowed under the Mortgage.
9. Debtor's mortgage loan is in default and is currently due for the February 1, 2022, payment and each subsequent payment through the date of the motion. Debtor(s) has/have failed to make the following post-petition payments to Movant:

POST-PETITION PAYMENTS IN DEFAULT

Monthly Payments in Default.....	02/01/2022 to 05/01/2022
Monthly payments (\$1,409.02 x 4)	\$5,636.08
Suspense Balance:.....	(\$1,363.06)
Total Amounts Due as of May 6, 2022:	\$4,273.02

10. In addition, Movant has incurred counsel fees and costs in association with Debtor's default and this motion.
11. As a result of the Debtor's default and failure to make payments or to otherwise adequately provide for Movant in the bankruptcy filing, Movant is not adequately protected and is entitled to relief.
12. To the extent the Court does not find that relief is appropriate, then Movant requests that the stay be conditioned such that in the event the Debtor(s) fall(s) behind on post-petition payments or trustee payments that Movant may receive relief upon default by the Debtor(s) of the terms of the conditional order.
13. Movant requests that the stay of Bankruptcy Rule 4001(a)(3) be waived.

WHEREFORE, Movant, Cenlar, FSB as servicer for CitiMortgage, Inc., respectfully requests this Court to grant the appropriate relief under 11 U.S.C. §362 and §1301 from the automatic stay as set forth in the proposed order together with waiver of Bankruptcy Rule 4001(a)(3).

Respectfully Submitted:

Stern & Eisenberg, PC

By: /s/ Daniel P. Jones

Daniel P. Jones

Bar Number: 321876

Email: djones@sterneisenberg.com

Date: May 20, 2022